

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Hatarie Deamont McCorkle**

Docket No. **288860**

L.C. No. **04-000553 FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The application for leave to appeal filed on November 12, 2008, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the November 17, 2004 judgment of sentence as required by MCR 7.205(F)(3), nor was the request for appellate counsel filed within a year of the judgment of sentence as required by MCR 7.205(F)(4)(a). *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005) is not retroactive. See *Simmons v Kapture*, 516 F3d 450 (CA 6, 2008) and *People v Houlihan*, 480 Mich 1165 (2008).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 15 2008
Date

Sandra Schultz Mengel
Chief Clerk